



MEMORANDUM

Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
Miami-Dade County, Florida

www.miami-dadeclerk.com
(305) 375-5126
(305) 375-2484 (FAX)

Agenda Item No. 6 (B)
October 14, 2003

TO: Honorable Chairperson Jose "Pepe" Diaz DATE: October 14, 2003
And Members of the
Incorporation and Annexation
Subcommittee

FROM: Kay M. Sullivan, Director SUBJECT: Approval of Commission
Clerk of the Board Committee Minutes

The following Clerk's Summary of Minutes are submitted for approval by the Incorporation and Annexation Subcommittee:

March 4, 2003

KS:
Attachments



Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

CLERK'S SUMMARY OF Meeting Minutes

Incorporation and Annexation Subcommittee

Jose "Pepe" Diaz (12), Chairperson; Commissioners Joe A. Martinez (11), and Javier D. Souto (10)

Tuesday, March 4, 2003

5:00 PM

COMMISSION CHAMBERS

Members Present: Jose "Pepe" Diaz, Joe A. Martinez, Javier D. Souto.

Members Absent: None.

Members Late: None.

Members Excused: None.

1A INVOCATION

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *In addition to the Committee members present at today's meeting, the following staff members were present: Assistant County Attorneys Cynthia Johnson-Stacks and Craig Collier; Assistant County Manager Ray Baker; and Deputy Clerks Doris Dickens and Judy Marsh.*

2 COUNTY COMMISSION

Report: *Chairperson Diaz suggested the items on today's agenda be postponed, as it was the Subcommittee's intent to develop a comprehensive plan for incorporation. He noted this plan would subsequently be submitted to County Commission Chairperson Carey-Shuler.*

Commissioners Martinez and Souto concurred with Chairperson Diaz' suggestion.

Assistant County Attorney Johnson-Stacks advised the proper motion would be to defer the resolutions and ordinance on today's agenda. She noted these items would be forwarded to the Budget and Finance Committee for consideration. Ms. Johnson-Stacks advised that agenda items 7B and 7D should also be deferred, as they were inappropriately before the Subcommittee.

Assistant County Attorney Johnson-Stacks responded to Commissioner Souto's inquiry regarding the federal opinion rendered, pertaining to the lawsuit filed in connection with future incorporation applications. She advised that the conditions imposed by the County were sustained, and the County's budgeting was determined to be in order with the Unincorporated Area budget and the Countywide budget.

Chairperson Diaz invited comments from elected officials present at today's meeting.

2A **023241 Resolution** **Betty T. Ferguson**

RESOLUTION RELATING TO INCORPORATION AND ANNEXATION REQUIRING THAT THE BOARD OF COUNTY COMMISSIONERS RETAIN AS PART OF THE UNINCORPORATED MUNICIPAL SERVICE AREA (UMSA) CERTAIN BUSINESS, COMMERCIAL OR INDUSTRIAL (CBI) AREAS; PROVIDING EXCEPTIONS

*Referred to the Budget and Finance Committee due back March 6, 2003
Mover: Martinez
Seconder: Souto
Vote: 3-0*

Report: *The foregoing proposed resolution was deferred and referred to the Budget and Finance Committee for consideration on March 6, 2003 at 9:30 a.m.*

Incorporation and Annexation Subcommittee

CLERK'S SUMMARY OF

Meeting Minutes

Tuesday, March 04, 2003

2A ALT. 023301 Resolution Jose "Pepe" Diaz

RESOLUTION RELATING TO INCORPORATION AND ANNEXATION REQUIRING THAT THE BOARD OF COUNTY COMMISSIONERS RETAIN AS PART OF THE UNINCORPORATED MUNICIPAL SERVICE AREA (UMSA) CERTAIN BUSINESS, COMMERCIAL OR INDUSTRIAL (CBI) AREAS; PROVIDING EXCEPTIONS

Referred to the Budget and Finance Committee due back March 6, 2003
Mover: Martinez
Seconder: Souto
Vote: 3-0

Report: *The foregoing proposed resolution was deferred and referred to the Budget and Finance Committee for consideration on March 6, 2003 at 9:30 a.m.*

2B 023134 Resolution Jimmy L. Morales

RESOLUTION EXPRESSING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS TO EXPLORE INCORPORATION OR ANNEXATION OF THE UNINCORPORATED MUNICIPAL SERVICE AREA PURSUANT TO POLICIES ADOPTED BY THE COUNTY COMMISSION; CREATING AND ESTABLISHING THE COMPOSITION OF A TASK FORCE; ESTABLISHING DUTIES OF THE TASK FORCE INCLUDING DIRECTING THE TASK FORCE TO PREPARE A CONCEPTUAL MAP AND FINANCIAL ANALYSIS RELATING TO THE FUTURE INCORPORATION OR ANNEXATION OF THE ENTIRE UNINCORPORATED AREA

Referred to the Budget and Finance Committee due back March 6, 2003
Mover: Martinez
Seconder: Souto
Vote: 3-0

Report: *The foregoing proposed resolution was deferred and referred to the Budget and Finance Committee for consideration on March 6, 2003 at 9:30 a.m.*

2C 023011 Resolution Betty T. Ferguson

RESOLUTION AUTHORIZING CERTAIN MUNICIPAL ADVISORY COMMITTEE PROPOSALS TO MOVE FORWARD

Referred to the Budget and Finance Committee due back March 6, 2003
Mover: Martinez
Seconder: Souto
Vote: 3-0

Report: *The foregoing proposed resolution was deferred and referred to the Budget and Finance Committee for consideration on March 6, 2003 at 9:30 a.m.*

Incorporation and Annexation Subcommittee

CLERK'S SUMMARY OF

Meeting Minutes

Tuesday, March 04, 2003

2D 023242 Ordinance Sen. Javier D. Souto

ORDINANCE RELATING TO ANNEXATION AND
INCORPORATION; REQUIRING ANNEXATION OR
INCORPORATION REQUESTS TO BE REVENUE
NEUTRAL; CREATING SECTION 20-27 OF THE CODE
OF MIAMI-DADE COUNTY; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE DATE

*Referred to the Budget and
Finance Committee due back
March 6, 2003*

Mover: Souto

Seconder: Martinez

Vote: 3-0

Report: *The foregoing proposed ordinance was deferred
and referred to the Budget and Finance Committee
for consideration on March 6, 2003 at 9:30 a.m.*

3 DEPARTMENT

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

7 REPORTS

7A 030554 **Report**

ANNEXATION APPLICATION FROM SOUTH MIAMI
(County Manager)

*Forwarded with a favorable
recommendation*

Mover: Diaz

Seconder: Martinez

Vote: 3-0

Report: *Mayor Horace Feliu, City of South Miami,
appeared before the Subcommittee in support of
the foregoing annexation application. He noted
area residents had initiated this request.*

*Mr. Michael Catalano, 8140 SW 63rd Court,
appeared before the Committee in support of the
foregoing proposal.*

*Mr. Dick Ward, 8325 SW 62nd Court, appeared
before the Committee in support of the foregoing
proposal.*

*Ms. Sylvia Crespo-Tabak, Budget Analyst, Office
of Management and Budget, advised that the
Boundaries Commission had adopted a resolution
recommending approval of the boundaries as
presented. She stated the Planning Advisory
Board (PAB) also recommended approval with full
mitigation at 1.145 mills and agreement from the
community to continue paying its pro rated share
of the debt service.*

*Acting City Manager Sandy Youkilis, City of South
Miami, responded to Commissioner Martinez'
question regarding the millage rate increase. He
stated the millage rate was approximately 3 mills
higher and consequently, approximately half the
residents would experience a decrease in overall
taxes, and half would be slightly increased.*

*Commissioner Souto expressed concern regarding
the impact annexations and incorporations would
have on the County's revenues.*

*The foregoing report was forwarded with the
Planning Advisory Board's recommendation to the
Budget and Finance Committee meeting scheduled
for March 6, 2003 at 9:30 a.m.*

Incorporation and Annexation Subcommittee

CLERK'S SUMMARY OF

Meeting Minutes

Tuesday, March 04, 2003

7B 030556 **Report**

ANNEXATION APPLICATION FROM HIALEAH
GARDENS (County Manager)

*Referred to the Budget and
Finance Committee due back
March 6, 2003*

Mover: Martinez

Seconder: Souto

Vote: 3-0

Report: *Assistant County Attorney Johnson-Stacks advised
that the foregoing report should be deferred, as it
was inappropriately before the Subcommittee.*

*The foregoing report was deferred and referred to
the Budget and Finance Committee for
consideration on March 6, 2003 at 9:30 a.m.*

Incorporation and Annexation Subcommittee

CLERK'S SUMMARY OF

Meeting Minutes

Tuesday, March 04, 2003

7C 030557 **Report**

ANNEXATION APPLICATION FROM NORTH MIAMI
(County Manager)

**Forwarded with a favorable
recommendation**

Mover: Souto

Seconder: Martinez

Vote: 3-0

Report: *Mr. Elbert Waters, Director, City of North Miami, Community Planning and Development Department, appeared before the Subcommittee in support of the City's application to annex the proposed Home Depot site. He requested the Subcommittee recommend approval of the application, and allow it to be forwarded to the County Commission.*

Ms. Sylvia Crespo-Tabak, Office of Management and Budget, advised that the Boundaries Commission had recommended approval of the boundaries as proposed. She stated the Boundaries Commission had also recommended that the appropriate terms of the settlement agreement entered into between the City of North Miami and Home Depot regarding the annexation be incorporated into the ordinance or appropriate document(s).

Ms. Crespo-Tabak noted the Planning Advisory Board (PAB) recommended that the City of North Miami work with Miami-Dade County to address some outstanding policy issues that could impact the City. She noted the PAB further recommended that the City of North Miami's annexation application be approved with 100% mitigation, which represented 2.918 mills; that the annexation address the storm water utility debt service payment and public service taxes; and include the appropriate terms of the settlement agreement. Ms. Crespo-Tabak emphasized the need to address the debt service due to the number of annexation applications.

Mr. Waters responded to Ms. Crespo-Tabak's comments. He stated the City of North Miami's application was consistent with existing County policies and procedures. However, he noted the City was presented with additional information at the PAB's meeting.

Ms. Crespo-Tabak stated the North Miami application in itself did not create a negative impact on the Unincorporated Municipal Service Area (UMSA) budget. She noted; however, that

Incorporation and Annexation Subcommittee

CLERK'S SUMMARY OF

Meeting Minutes

Tuesday, March 04, 2003

the annexation applications from the cities of South Miami, Hialeah Gardens, North Miami and Hialeah collectively could create a negative impact on the UMSA budget.

Mr. Waters stated the City of North Miami was not in agreement with the PAB's recommendation.

It was moved by Commissioner Souto that the foregoing report be forwarded with the PAB's recommendation to the Budget and Finance Committee meeting. This motion was seconded by Commissioner Martinez.

Commissioner Martinez pointed out that although this was not a residential area, the millage rate had increased by six points.

Mr. Michael Radell, 200 South Biscayne Boulevard, attorney representing Home Depot, appeared before the Subcommittee. He read into the record, the terms of the annexation agreement that were part of the resolution approving the annexation. Mr. Radell addressed the property tax mitigation issue, and noted the City of North Miami met the criteria for being a poor community. He suggested that the annexation application be forwarded with the Boundaries Commission resolution, and that the Planning Advisory Board (PAB) resolution not be included.

Ms. Crespo-Tabak stated part of the settlement agreement included a reimbursement from Home Depot to the City of North Miami should the County Commission require mitigation as a condition of annexation.

Commissioner Martinez suggested that representatives of the City of North Miami meet with all members of the County Commission, prior to the application being presented before the Board.

The Board then voted on the motion to forward the foregoing annexation application with the PAB's recommendation to the Budget and Finance Committee meeting, and upon being put to a vote, passed by a vote of 3-0.

Assistant County Attorney Johnson-Stacks advised that the Budget and Finance Committee would take appropriate action pursuant to the Subcommittee's intent to address incorporation and annexation applications holistically.

Incorporation and Annexation Subcommittee

CLERK'S SUMMARY OF

Meeting Minutes

Tuesday, March 04, 2003

Chairperson Diaz stated the Subcommittee was not establishing policy, but had recommended the foregoing annexation application be allowed to proceed, as recommended by staff. He noted comments made by representatives of the City of North Miami would be made part of the record.

The foregoing report was forwarded with the Planning Advisory Board's recommendation to the Budget and Finance Committee meeting scheduled for March 6, 2003 at 9:30 a.m.

7D 030558 Report

ANNEXATION APPLICATION FROM HIALEAH (County Manager)

***Referred to the Budget and Finance Committee due back March 6, 2003
Mover: Martinez
Seconder: Souto
Vote: 3-0***

Report: *Assistant County Attorney Johnson-Stacks advised that the foregoing report should be deferred, as it was inappropriately before the Subcommittee.*

The foregoing report was deferred and referred to the Budget and Finance Committee for consideration on March 6, 2003 at 9:30 a.m.

8 OPEN FORUM FOR DISCUSSION ON INCORPORATION AND ANNEXATION

Report: *Chairperson Diaz invited discussion and comments from the audience on incorporation and annexation issues.*

City of Sweetwater Mayor Manuel Marono, appeared before the Subcommittee in connection with the City of Sweetwater's annexation application. He stated County staff had been working with the City of Sweetwater staff on completing the paperwork. Mayor Marono noted the County recognized this was a poor city with limited resources. He stated there was very little commercial property and annexation was the city's survival.

Commissioner Martinez pointed out that some areas would be unable to achieve 100% mitigation on Commercial, Business and Industrial (CBI) areas.

Ms. Sylvia Crespo-Tabak, Office of Management and Budget, stated the items deferred today included exceptions that would have applied to the City of Sweetwater.

Mr. Miguel de Grandy, 201 South Biscayne Boulevard, attorney representing the City of Sweetwater, appeared before the Subcommittee. He concurred with Commissioner Martinez that there needed to be clear, objective guidelines that addressed various demographics. Mr. de Grandy suggested that as a comprehensive policy was developed, the Committee and the County Commission be cognizant of the poor cities. He noted that the City of Sweetwater was seeking the County Commission's assistance in expediting the process once the City's required paperwork was completed.

Mr. Kenneth Blue, 7715 SW 86th Street, appeared before the Subcommittee in connection with incorporation issues. He discussed the Commercial, Business and Industrial (CBI) areas and the requirement that municipalities contract with Miami-Dade Police Department (MDPD) for at least three years. Mr. Blue commented on efforts to dissolve the East Kendall Municipal Advisory Committee (MAC).

Commissioner Martinez responded to Mr. Blue's

Incorporation and Annexation Subcommittee

CLERK'S SUMMARY OF

Meeting Minutes

Tuesday, March 04, 2003

comments regarding the municipality contracting with MDPD, and the objectivity of the MAC members.

Mr. Pat Rebull appeared before the Subcommittee. He stated that his role as chairman of the East Kendall MAC, was to allow fair, objective debate on both sides of the incorporation issue. Mr. Rebull noted the MAC was charged with addressing and reporting back to the County Commission, committee issues, community concerns and the County Commission's concerns. He stated the MAC was now enforcing strict rules of decorum.

Ms. Beverly Gerald, 14271 SW 74th Court, appeared before the Subcommittee. She stated some residents of the Falls area were interested in forming their own MAC. Ms. Gerald noted there was a shortage of police officers and it was her understanding there would be a further shortage due to the DROP program.

Commissioner Martinez stated he had never expressed concern regarding police officers being laid off. He noted that if incorporations and annexations continued, and there was only a three to five year requirement for municipalities to contract with MDPD for regular police patrol services, MDPD could not make future plans and maintain a force for an area that it may lose.

Chairperson Diaz concurred with Commissioner Martinez' comments. He stated the Subcommittee had to review the incorporation issue holistically, and develop a precise policy.

Mr. Patrick Villar, 10953 SW 70th Terrace, appeared before the Subcommittee. He noted the importance of having a consistent incorporation policy. Mr. Villar questioned the effect of an area wishing to opt out with 10% of the registered voters, and an area wishing to opt in with a different 10%.

Ms. Pat Wade, 20925 SW 187th Avenue, appeared before the Subcommittee. She stated the intent should not be to stop incorporations, and the rules should not be so unbending that incorporations were not feasible.

Mr. Mike Hatcher, 25145 SW 144th Avenue, appeared before the Subcommittee. He stated the incorporation process had evolved and there were people who had invested time, effort and resources

in the process. Mr. Hatcher noted that the opt out was legally proven, and had evolved from the Pinecrest and Palmetto Bay models.

Mr. Wilbur Coleman appeared before the Subcommittee in opposition to incorporation, in particular to North Dade. He stated he felt the process was unfair and there were a number of issues besides the police that had to be addressed. Mr. Coleman noted this was the first time he was made aware that an area could opt out one year after the incorporation.

In response to Mr. Coleman's comment regarding an opt out, Ms. Sylvia Crespo-Tabak stated this was not a policy issue established by the Board.

Chairperson Diaz noted he could no longer proceed with the meeting, as a quorum was no longer present. He suggested Mr. Coleman direct further questions to staff.

9 ADJOURNMENT

Report: *There being no further business to come before the Committee, the meeting was adjourned at 7:00 p.m.*